

# Court of Appeals, State of Michigan

## ORDER

People of MI v Travis James Troost

Docket No. 282987

LC No. 01-003285-FH

Brian K. Zahra  
Presiding Judge

Helene N. White

Karen M. Fort Hood  
Judges

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In lieu of granting the delayed application for leave to appeal, pursuant to MCR 7.205(D)(2), the Court VACATES that portion of the sentence that ordered defendant to pay attorney fees, and REMANDS this case to the trial court for consideration of defendant's ability to pay attorney fees. *People v Dunbar*, 264 Mich App 240, 252-256; 690 NW2d 476 (2004). On remand, the trial court shall address defendant's current and future financial circumstances and foreseeable ability to reimburse the county for attorney fees before determining whether defendant should pay those fees. At the trial court's discretion, the decision may be made based on the record without the need for a formal evidentiary hearing. *Id.*

The Court further orders that on remand the trial court recalculate defendant's credit for time served independent from the Michigan Department of Correction's determination of defendant's time served.

Defendant's delayed application for leave to appeal is DENIED in all other respects.

Defendant-Appellant's motion for leave to file pro per supplemental brief is GRANTED.

We do not retain jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

FEB 26 2008

Date

*Sandra Schultz Mengel*  
Chief Clerk